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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,737	10/06/2005	Serge Potteck	REGIM 3.3-065	1328
530 7590 02/23/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER NGUYEN, CUONG H				
ART UNIT 3661		PAPER NUMBER		
MAIL DATE 02/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,737

Applicant(s)

POTTECK, SERGE

Examiner

CUONG H. NGUYEN

Art Unit

3661

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/2006 (a pre-amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-9,14-18,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/12/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This Office Action is the answer to the pre-amended claims received on 1/09/2006, which paper has been placed of record in the file.
2. Claims 1-21 are pending.

Information Disclosure Statement

3. An IDS has been received by USPTO on 12/12/2005.

Priority

4. This application claims a French prioritydate 3/20/2003 (Priority# 03/03407).

Drawing Objections

5. Formal drawings are required by the examiner for examining purposes. Those drawings must show all claimed features which are unclear from current drawings (i.e., claims 1-19 are steps of how to perform claimed steps?).

Claim Objection

6. Claims 10-11 are dependent claims of claim 9.
 - A. Claim 10's limitation is using a coefficient with a presentation/form.
 - B. Claim 11's limitation is also about using said coefficient with another presentation/form.

Above claims are method claims comprising steps – the only different between claims are using different formats/presentations – there is no different in claims' limitations because these different coefficient formats are merely non-functional descriptive material(s) that do not change a claimed step.

7. "...between firstly the said measurement.." (see claim 2, line 6-7) should be -- between firstly said measurement --

8. Claim 10 is also objected for the terms "...the coefficient may be a factor..." – "may be" should be expressed in a positive sense.

Claim 15 recites "...and so on,..." (see claim 15 line 6), this limitation is not clear.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

A. This claim does not provide a baseline/a means for practicing this claimed invention (see the disclosure about: "...calculation of the weights of measurements in a current selection...", using a memory coefficient, calculation with iterations .etc).

The preamble of the claim can be modified as "A computer-implemented method of assigning weighting coefficients to measurements ..., comprising the steps of ..." to overcome this 35 USC 112, 2nd para. rejection.

10. Re. Claim 1: Claim 1 recites a limitation with "...refreshment of the positions of measurements ... " in line 6 of claim 1. "... the highest weights and/or stars..." (see claim 1, line 7), and "...within the frequency spectrum." (see claim 1, line 11). There are insufficient antecedent basis for these limitations in the claim.

11. Re. Claim 2: Claim 2 recites a limitation with "... measurements for the previous selections ... " in line 7; and "...the other measurements .." in line 8 of claim 2, "..., the reinforcement..." (see claim 2, line 3).

There are insufficient antecedent basis for these limitations in the claim.

12. Re. Claim 5: Claim 5 recites a limitation with "... combines the angular distance ..." in line 3 of claim 5. An angular distance has not been defined yet.

13. Re. Claim 7: Claim 7 recites a limitation with "...attenuated by the passage of time." in line 5 claim 7. A "passage of time" has not been defined yet.

14. Re. Claim 8: Claim 46 recites a limitation with "... the charge of the star C_p ..." in line 2 of claim. A "charge of the star C_p ..." has not been defined yet.

15. Re. Claim 9: Claim 9 recites a limitation with "... between the current date and the last update date ..." in lines 6-7 of claim 9; there is insufficient antecedent basis for this limitation in the claim.

16. Re. Claim 14: Claim 14 recites a limitation with "...a random function is used ..." in lines 2-3 of claim 14; there is insufficient information for this limitation in the claim (i.e., what kind of random function? How does it look like? ..etc).

17. Re. Claim 15: Claim 15 recites a limitation with "...and so on, ..." in line 6 of claim 15; it is unclear about this limitation in the claim.

18. Re. Claim 16: It is unclear of this claim's limitation; especially what is a step's limitation of: "...and processing means of the sensor and/or the client device".

19. Re. Claim 17: Claim 17 recites a limitation with "... the refreshment rate of stars ..." in lines 2-3 of claim 17; there is insufficient antecedent basis for this limitation in the claim.

20. Re. Claim 18: Claim 18 recites a limitation with "... in that the dispersion of the complete new selection is used directly ..." in lines 2-3 claim 18; there is insufficient antecedent basis for this limitation in the claim.

21. As to claim 20: There are insufficient antecedent basis for this limitation in the claim: "...of the positions of measurements with the highest weights, and means of displacing part of the power of the error associated with the set of star measurements within the frequency spectrum ..."; in short, there is no definition for this limitation in the claim.

22. As to claim 21: "...according to claim 21" should be -- according to claim 20 --.

Election/Restriction

23. The election to one of the following invention is deemed necessary. The delay of this requirement is regretted by the examiner of record.

24. Restriction to one of the following inventions is required under 35 U.S.C. § 121;

I. Claims 20-21, drawn to a star tracking system OR an acquisition system, comprising "physical" devices, and "physical" components, classified in US class 701, subclasses 207, 222, 226.

II. Claims 1-19, drawn to a method of assigning coefficients to measurements of stars, comprising steps: classified in class 244/164,171.

25. The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product, e.g., using that method in sensing remote objects in space – not only for star tracking (it is even BROADER with "an acquisition system" as claimed).

26. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR § 1.143).

Conclusion

27. Pending claims are not patentable.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759; email address is cuong.nguyen@uspto.gov. The examiner can normally be reached on 7:30 am - 4:00 pm. Mon. – Tues. and Thurs. – Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661